

## ARTICLE 6

### Telecommunications Utilities

#### Subarticle 1

##### General

#### 103-600. Authorization of Rules.

A. Section 58-9-810 of the Code of Laws of South Carolina, 1976, provides:

“The commission may make such rules and regulations not inconsistent with law or statute as may be proper in the exercise of its powers or for the performance of its duties under Articles 1 through 13 of this chapter all of which shall have the force of law.”

In accordance with the above provisions, the Public Service Commission has adopted the following rules and regulations and fixed the following standards to govern telephone and telegraph service by telephone and telegraph utilities.

All previous rules and regulations or standards are hereby annulled, revoked and superseded.

B. The adoption of these rules shall in no way preclude the Public Service Commission from altering, amending or revoking them in whole or part, or from requiring any other or additional service, equipment, facility or standard, either upon complaint or upon its own motion, or upon the application of any telephone or telegraph utility.

HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-601. Application of Rules.

1. Jurisdiction. These rules and regulations shall apply to any person, firm, partnership, cooperative or corporation, which is now or may hereafter become engaged as a telephone utility in the business of furnishing communications service to any customer within the State of South Carolina and to the customers of such telephone utility.

2. Purpose. These rules and regulations are intended to define good practices. They are intended to insure adequate and reasonable service. The utilities shall assist the commission with the implementation of these rules and regulations.

3. Waiver of Rules. In any case where compliance with any of these rules and regulations introduces unusual difficulty or where circumstances indicate that a waiver of one or more rules or regulations is otherwise appropriate, such rule or regulation may be waived by the commission upon a finding by the commission that such a waiver is in not contrary to the public interest.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### 103-602. Definitions.

The following words and terms, when used in these rules and regulations, shall have the meaning indicated below.

#### 103-602.1. Access Line.

The circuit between a subscriber's standard interface located on the subscriber's premises and the central office.

#### 103-602.2. Commission.

The Public Service Commission of South Carolina.

#### 103-602.3. Customer.

Any person, firm, association or corporation, or any agency of the Federal, State or local government, being supplied telecommunications service by a utility.

#### 103-602.4. Interexchange Carrier.

Carrier authorized by the commission to provide services related to long distance services.

#### 103-602.5. ORS.

Office of Regulatory Staff.

#### 103-602.6. PSP.

Payphone Service Provider.

#### 103-602.7. Radio Common and Cellular Carrier.

A mobile telecommunications carrier licensed by the Federal Communications Commission (FCC) and authorized by the FCC to receive and transmit signals from mobile transmitter within a specified geographic area.

#### 103-602.8. Reference.

For the purpose of these rules and regulations the reference as specified in R.103-642 will be used for the definitions of terms, abbreviations, units of measure, etc.

#### 103-602.9. Standard Network Interface Device.

The point of demarcation between telephone company-owned facilities and customer-owned wiring and/or equipment.

#### 103-602.10. Telephone Utility.

A telephone utility operating under the jurisdiction of the commission.

103-602.11. Written or in Writing.

Written or in writing includes, without limitation, electronic transmissions.

HISTORY: Amended by State Register Volume 10, Issue No. 6, June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 16, Issue No. 6, eff June 26, 1992; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-603. Authorization for Rates and Charges.

A. No schedules of rates or tariffs involving rates under the jurisdiction of the commission shall be changed until after proposed change has been approved by the commission, unless they are exempt from such approval by statute, order of the commission, or other provision of law.

B. All rates, tolls, or charges involving rates under the jurisdiction of the commission proposed to be put into effect by any telephone utility shall be first approved by the commission before they shall become effective, unless they are exempt from such approval by statute, order of the commission, or other provision of law.

C. No rate or toll charge involving rates under the jurisdiction of the commission of any telephone utility shall be deemed approved nor consented to by the mere filing of a schedule or other evidence thereof in the offices of the commission, unless otherwise provided for by law.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-604. Territory and Certificated Area.

Each telephone utility shall provide regulated service only within the areas authorized by the commission, unless exempt by commission action, order or statute.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-605. Telephone Utility Rules and Regulations.

Each telephone utility shall adopt such rules, regulations, operating procedures, policies and instructions as may be necessary to govern all aspects of telephone service to its customers so long as those rules and regulations, operating procedures, policies and instructions are not in contradiction to rules and regulations and orders of the commission or other statutory laws.

All rules and regulations, operating procedures, policies and instructions as outlined above are subject to review by the commission. Upon request, each utility shall make a copy of such rules and regulations, operating procedures, policies and instructions available to the ORS.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-606. Service Offerings.

Each telephone utility is authorized to offer such types, class, grades, classification and forms of service as it may deem necessary.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-607. Bonds or Other Security Mechanisms.

This regulation applies to telephone utilities who provide retail residential local exchange services and who individually or together with their affiliates, have not invested at least five million dollars in telecommunications facilities in the State of South Carolina. The commission may waive this requirement upon petition by the telephone utility if the telephone utility provides evidence of financial stability as deemed appropriate by the commission. This regulation does not apply to Commercial Mobile Radio Services. The commission shall determine the type and the amount of bond or other security mechanism to be filed by the carrier with the commission and the ORS. The commission may order the carrier to file a performance bond or post an irrevocable letter of credit or certificate of deposit. In determining the amount of the performance bond, irrevocable letter of credit, or certificate of deposit, the commission may use, at a minimum, any commercially reasonable, acceptable method, including the following criteria: number of customers, retail price for service, and financial resources of the carrier.

a. Performance Bond. Performance bonds must be issued by an A-grade insurer acceptable to the commission and must be posted with the commission and a copy provided to the ORS . However, the amount of the bond shall be no less than \$100,000. An updated bond shall be filed with the commission and a copy provided to the ORS annually.

b. Irrevocable Letter of Credit. An irrevocable letter of credit shall be issued by a financial institution acceptable to the commission. The amount of the irrevocable letter of credit shall be determined by the commission; however, the amount of the letter of credit shall be no less than \$100,000. An updated irrevocable letter of credit shall be filed with the commission and a copy provided to the ORS annually.

c. Certificate of Deposit. The certificate of deposit shall be issued by a financial institution acceptable to the commission and shall be no less than \$50,000. An updated certificate of deposit shall be filed with the commission and a copy provided to the ORS annually.

#### Forfeiture of Bond or Other Security Mechanism

The commission, after notice and hearing, may order all or part of any bond or other security forfeited upon finding that the telephone utility has abandoned service to customers.

HISTORY: Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.

#### Subarticle 2

## Records and Reports

### 103-610. Location of Records and Reports.

All records required by these rules or necessary for the administration thereof, shall be kept within the State, unless otherwise authorized by the commission. These records shall be available for examination by the ORS, or its authorized representatives at all reasonable hours.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### 103-611. Retention of Records.

Retention of records shall be as specified in the Federal Communications Commission's Rules and Regulations, Part 42, unless otherwise directed by the commission. Further, the telephone utility shall maintain sufficient records necessary to verify and substantiate all requirements included in these rules. These records include, but are not limited to, trouble reports, service orders, itemized customer billing records, customer deposits, and complaints.

HISTORY: Amended by State Register Volume 18, Issue No. 4, eff April 22, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### 103-612. Data to Be Filed with the Commission and Provided to the ORS.

The telephone utility shall file the following documents and information:

1. Annual Report. Each telephone utility operating in the State shall file an annual report with the commission and provide a copy to the ORS, giving such information as the commission may direct.

2. Current Information and Documents. The information required under this Section shall be kept current at ALL TIMES.

2.1. Tariff. Unless otherwise provided by law, each telephone utility shall file for approval with the commission and serve on the ORS a tariff with respect to all regulated services offered by the utility.

A. Each telephone utility must provide the ORS a copy of its most recent tariffs.

B. The telephone utility's tariff shall include:

a. A copy of the telephone utility's rules, terms, or conditions, describing the telephone utility's policies and practices in rendering regulated services.

b. A list of all types, grades, classifications and forms of regulated service offered.

c. The non-recurring charges, recurring charges, and the termination charges, if any, that apply to the services.

d. Definitions of all types, classes, grades, classifications, and forms of regulated service offered.

#### 2.2.1

2.3. Operating Area Maps. The commission and the ORS shall maintain updated maps showing commission-approved areas and/or exchange service-area(s).

The maps, as outlined above, shall be revised whenever boundary changes are made and shall be signed by the proper officials and filed for approval with the commission.

2.4. Authorized Telephone Utility Representative. Each telephone utility shall maintain with the commission and furnish a copy to the ORS, the name, title, address, and telephone number of the persons who should be contacted in connection with:

a. General Management Duties;

b. Customer Relations (Complaints);

c. Engineering Operations;

d. Test and Repairs;

e. Emergencies during non-office hours;

f. Regulatory Officer;

g. Annual Report;

h. Dual Party Invoice;

i. Universal Service Fund;

j. Gross Receipts; and

k. Lifeline (ETCs only).

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 31, Issue No. 4, eff April 27, 2007.

1So in original. No paragraph 2.2 was promulgated by State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-614. Interruption of Service.

Each telephone utility shall keep a record of any condition resulting in any interruption of service affecting its entire system or major division of a telephone exchange, including a statement of the time, duration, cause of any such interruption, and steps taken to correct the interruption. Service outages impacting a significant portion of customers and outages or failures of company infrastructure (such as cable facility, switching facility [main or remote] or carrier facility) lasting more than 24 hours shall be reported to the commission and a copy provided electronically to the ORS. The utility shall report any information required to be reported to the FCC regarding outages to the commission and provide a copy electronically to the ORS. This information should be submitted as soon as practicable, and a copy of any written report submitted to any Federal jurisdictional entity shall also be submitted to the commission and a copy provided to the ORS.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 4, eff April 22, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-615. Accidents.

Each telephone utility shall maintain adequate and accurate records of each accident happening in connection with the operation of its property, facilities, or service wherein any person shall have been killed or whereby any serious property damage shall have been caused.

HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-616. Complaints Received from the ORS.

Each telephone utility shall keep a record of all complaints received from the ORS. This record shall show the name and address of the complainant, the date, the nature of the complaint, and the adjustment or disposal thereof.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-617. Tests.

Each telephone utility shall keep a record of all tests procedures which are performed as a result of these rules, unless otherwise directed by the commission.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-618. Service Reports.

Each telephone utility shall provide the following service reports to the ORS on a quarterly basis within thirty (30) days of the end of each calendar quarter.

##### A. Trouble reports per hundred access lines:

The report shall contain the total number of actual customer trouble reports received per hundred access lines for the telephone utility's regulated operations.

##### B. Customer out of service trouble clearing times:

The report shall contain the percentage number of out of service reports cleared within twenty four (24) hours, excluding weekends and holidays.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 18, Issue No. 4, eff April 22, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-619. Held Applications/Availability of Service.

The following information shall be provided to the ORS on a quarterly basis within thirty (30) days of the end of each calendar quarter. Reported information which indicates that the commission's specified objectives have not been met shall be accompanied by explanation. Reports shall show results by wire center, central office, exchange or maintenance group. This information shall be reported as a percentage of work order activity characterized as follows:

- a. The number of applications for new service held over thirty (30) days.
- b. The number of applications for regrade held over thirty (30) days.
- c. The total number of access lines.
- d. The percentage of service orders for installations and re-installations completed within five (5) working days.
- e. Commitments fulfilled.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 18, Issue No. 4, eff April 22, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### Subarticle 3

#### Customer Relations

#### 103-620. Customer Information.

Each telephone utility shall:

- a. Maintain up-to-date maps, plans, or records of its entire system, with other information as may be necessary to enable the telephone utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving customers within its operating area.
- b. If required by law and so directed by the commission, notify each customer affected in writing, of any proposed changes in rates and charges. The form of such notification shall be prescribed by the commission. A certification that the above notice requirement has been met shall be furnished to the commission and served on the ORS by the telephone utility.
- c. Furnish to a customer, upon request, information as to the telephone utility's billing procedures.
- d. Provide adequate means whereby each customer can contact repair service at all hours.



e. Notify its customers that the telephone utility is under the jurisdiction of the commission, and that its customers may, if necessary, seek assistance from ORS regarding the telephone utility's regulated operations or file a formal complaint with the commission regarding an unresolved dispute involving the telephone utility's regulated operations.

HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-621. Customer Deposits.

A. Each telephone utility may require from any customer or from any prospective customer, a deposit intended to guarantee payment of bills for regulated service, if any of the following conditions exist:

1. The customer has had two 30-day arrearages in the past 24 months, or the customer has been sent two or more late payment notices in the past 9 months; or
2. A new customer cannot furnish either an acceptable co-signer or guarantor who is a customer of the utility within the State of South Carolina to guarantee payment; or
3. The customer's gross monthly billing increases; or
4. A customer has had his service terminated by any telephone utility for non-payment or fraudulent use; or
5. The utility determines, through use of commercially acceptable methods, that the customer's credit and financial condition so warrants.

B. Each telephone utility shall inform affected prospective customers of the provisions contained in R. 103-621-(A).

C. A utility is not required to install new service to a customer prior to the utility's receipt of any deposit that is required of that customer.

##### 103-621.1. Deposit Receipt.

Each utility shall maintain records of each deposit it receives from a customer and shall provide means whereby a customer may establish a claim regarding his deposit.

##### 103-621.2. Amount of Deposit.

A. For a new customer, a maximum deposit may be required up to an amount equal to an estimated two (2) months (60 days) total bill (including toll and taxes). For an existing customer, a maximum deposit may be required up to an amount equal to the total actual bills of the highest two (2) consecutive months within the preceding six (6) months.

B. All deposits may be subject to review based on the actual experience of the customer. The amount of the deposit may be adjusted upward or downward to reflect the actual billing experience and the payment habits of the customer.

### 103-621.3. Interest on Deposits.

A. Simple interest on deposits at the rate not less than that as prescribed by the commission shall be paid by the telephone utility to each customer required to make such deposit for the time it is held by the telephone utility.

B. The interest shall be accrued annually and payment of such interest shall be made to the customer at least every two (2) years and at the time the deposit is returned.

C. The deposit shall cease to draw interest on the date it is returned, the date service is terminated, or on the date notice is sent to the customer's last known address that the deposit is no longer required.

### 103-621.4. Deposit Records.

Each telephone utility shall keep records to show:

- a. The name and address of each depositor.
- b. The amount and date of the deposit.
- c. The last transaction concerning the deposits.
- d. The reasons why deposit retained after two year retention period. (See R. 103-621.5)

### 103-621.5. Deposit Retention.

Deposits shall be refunded completely with interest after two years unless the customer has had two 30-day arrearages in the past 24 months, or has had service denied or interrupted for non-payment of bills, or has been sent more than two late payment notices in the past 9 months, or has a returned check in the past 6 months.

### 103-621.6. Unclaimed Deposits.

A record of each unclaimed deposit must be maintained for at least two years, during which time the telephone utility shall make a reasonable effort to return the deposit. Unclaimed deposits, together with accrued interest, shall be treated in accordance with law.

### 103-621.7. Deposit Credit.

Where a customer has been required to make a deposit, that deposit shall not relieve the customer of the obligation to pay the service bill when due, but where such deposit has been made and service has been disconnected because of nonpayment of account, then unless the customer shall, within seventy-two hours after service has been disconnected, apply for reconnection of service and pay the account, the account may be discontinued. If the telephone utility discontinues the account, the telephone utility shall apply the deposit of such customer toward the discharge of such account and shall refund to the customer any excess.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 16, Issue No. 6, eff June 26, 1992; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### 103-622. Customer Billing.

Every telephone utility shall render each customer an accurate and timely bill.

#### 103-622.1. Bill Forms.

Each telephone utility's bill must comply with the Federal Communications Commission's "Truth in Billing Requirements" that are in effect at the time the utility's bill is prepared.

#### 103-622.2. Late Payment Charges.

A maximum of one and one half percent (1 1/2 %) may be added to any unpaid balance brought forward from the previous billing date to cover the cost of collection and carrying accounts in arrears. This method of late payment charge will be made in lieu of any other penalty.

#### 103-622.3. Disconnection and Reconnection.

Whenever regulated telephone service is denied or discontinued for any appropriate reason, the telephone utility may make a tariffed charge for cost incurred in disconnecting or discontinuing the regulated telephone service and reconnecting it after restoration and may require payment for service not previously billed.

#### 103-622.4. Payment by Check.

The telephone utility, at its option for good cause, may refuse to accept a check tendered as payment on a customer's account.

#### 103-622.5. Deferred Payment Plan.

The telephone utility may provide for the arrangement of a deferred payment plan to enable a residential customer to make payment by installments where such customer is unable to pay the amount due for service. The deferred payment plan may require the affected customer to maintain his account current and pay not less than 1/6 of the outstanding balance for a period not to exceed six months. The outstanding balance may include the late payment charge authorized by R. 103-622.2. A deferred payment plan is any agreement to defer a payment to the next billing cycle.

HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 16, Issue No. 6, eff June 26, 1992; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### 103-623. Adjustment of Bills.

If it is found that a telephone utility has directly or indirectly, by any device whatsoever, demanded, charged, collected or received from any customer a greater or lesser compensation for any service rendered or to be rendered by such telephone utility than that prescribed in the schedules of such telephone utility applicable thereto then filed in the manner provided in Title 58 of the South Carolina Code of Laws, or if it is found that any customer has received or accepted any service from a telephone utility for a compensation greater or lesser than prescribed in such schedules; or if, for any reason, billing error has

resulted in a greater or lesser charge than that incurred by the customer for the actual service rendered, then the method of adjustment for such overcharge or undercharge shall be as provided by the following:

#### 103-623.1. Customer Willfully Overcharged.

If the telephone utility has willfully overcharged any customer, the telephone utility shall refund the difference, plus interest, ~~as prescribed by the commission, as stated in the South Carolina Code of Laws~~ Legal Rate of Interest Statute for the period of time that can be determined that the customer was overcharged.

#### 103-623.2. Customer Inadvertently Overcharged.

If the telephone utility has inadvertently overcharged a customer as a result of a misapplied schedule or any other human or machine error, the telephone utility shall, for any amount of one dollar (\$1.00) or more (amounts less than \$1.00 will be credited to account) at the customer's option, credit, or refund the excess amount paid by that customer or credit the amount billed as provided by the following:

- a. If the interval during which the customer was overcharged can be determined, then the telephone utility shall credit or refund the excess amount charged during the interval, provided that the applicable statute of limitations shall not be exceeded.
- b. If the interval during which the customer was overcharged cannot be determined, then the telephone utility shall credit or refund the excess amount charged during the 12-month period preceding the date when the error was discovered.
- c. If the exact amount of the overcharge incurred by the customer during the billing periods subject to adjustment cannot be determined, then the credit or refund shall be based on an appropriate estimated amount of excess payment.

#### 103-623.3. Customer Undercharged Due to Willfully Misleading Company.

If the telephone utility has undercharged any customer as a result of a fraudulent or willfully misleading action of that customer, or any action by any person (other than the employees or agents of the telephone utility), such as tampering with the facilities, when it is evident that such tampering or bypassing occurred during the residency of that customer, or if it is evident that a customer has knowledge of being undercharged without notifying the telephone utility as such, then the telephone utility shall recover the deficient amount provided as follows:

- a. If the interval during which the customer was undercharged can be determined, then the telephone utility shall collect the deficient amount incurred during the entire interval, provided the applicable statute of limitations is not exceeded.
- b. If the interval during which the customer was undercharged cannot be determined, then the telephone utility shall collect the deficient amount incurred during the 12-month period preceding the date when the billing error was discovered by the telephone utility.

#### 103-623.4. Customer Undercharged Due to Human or Machine Error.

If the telephone utility has undercharged any customer as a result of a misapplied schedule, or any human or machine error then the telephone utility may recover the deficient amount as follows:

a. If the interval during which a customer was undercharged can be determined, then the telephone utility may collect the deficient amount incurred during the entire interval up to a maximum period of six months.

b. If the interval during which a customer was undercharged cannot be determined, then the telephone utility may collect the deficient amount incurred during the six month period preceding the date when the billing error was discovered by the telephone utility.

c. The customer shall be allowed to pay the deficient amount, in equal installments added to the regular monthly bills devoid of late charges, over the same number of billing periods which occurred during the interval the customer was subject to pay the deficient amount.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-624. Applications for Regulated Service.

##### 103-624.1. Method.

Applications for service may be oral or in writing.

##### 103-624.2. Obligation.

The applicant shall, at the option of the telephone utility, be required to sign a service agreement or a contract. In the absence of such service agreement or contract, the accepted application shall constitute a contract between the telephone utility and the applicant, obligating the applicant to pay for service in accordance with the telephone utility's tariff currently on file with the commission, and to comply with the commission's and the telephone utility's rules and regulations.

##### 103-624.3. Termination.

When a customer desires to have his service terminated, he must notify the telephone utility. Such notification may be oral or in writing. The telephone utility shall be allowed a reasonable period of time after the receipt of such notice to send a final bill.

HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-625. Reasons for Denial or Discontinuance of Service.

Service may be refused or discontinued for any of the reasons listed below, for any reason set forth in the utility's tariffs, or for any reason set forth in the utility's individual contracts for services. Unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the rule before service is discontinued.

a. Without notice, in the event of a condition determined by the telephone utility to be hazardous or dangerous.

b. Without notice, in the event of customer use of equipment in such a manner as to adversely affect the telephone utility's service to others.

c. Without notice, in the event of unauthorized use of telephone service.

d. For the customer tampering with equipment furnished and owned by the telephone utility.

e. For violation of and/or non-compliance with the commission's Orders or regulations governing service supplied by the telephone utilities.

f. For failure of the customer to fulfill his contractual obligations for service and/or facilities subject to regulation by the commission.

g. For failure of the customer to permit the telephone utility reasonable access to its equipment.

h. In cases involving abnormal and excessive use of toll service, service may be denied two (2) days after written notice is given to the customer, unless satisfactory arrangements for payment are made.

i. For failure of the customer to provide the telephone utility with a deposit as authorized by 103-621(1).

j. For failure of the customer to furnish permits, certificates, and/or right-of-ways, as necessary to obtain service, or in the event such permissions are withdrawn or terminated.

k. Where there is probable cause to believe that there is illegal or willful misuse of telephone utility's service.

l. No telephone utility shall be required to furnish its service or to continue its service to any applicant who, at the time of such application, is indebted under an undisputed bill to such telephone utility for telephone service previously furnished such applicant or furnished any other member of the applicant's household. However, for the purposes of this regulation, the telephone utility may not consider any indebtedness which was incurred by the applicant or any member of his household more than six (6) years prior to the time of application.

m. For non-payment of that portion of the bill rendered by the telephone utility for telephone service billed for another telephone utility.

n. Without notice, in the event of a PSP violation of a commission Order of which the PSP has been notified and has failed to correct the violation within the amount of time specified in such notification.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-626. Insufficient Reasons for Denying Service.

The following shall not constitute cause for refusal of service to a present or prospective customer:

a. Non-payment for services by a previous occupant of the premises to be served, unless such previous occupant shall benefit from such new service or unless the new occupant benefited from such old service.

- b. Failure to pay for merchandise purchased from the telephone utility.
- c. Failure to pay for any non-regulated equipment or services provided by the utility.
- d. Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of residential service or vice versa.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 16, Issue No. 6, eff June 26, 1992; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-627. Rights of Access.

The authorized agents of the telephone utility shall have the right of access to the premises supplied with telephone service, at reasonable hours, for the purpose of maintenance, removal and inspection or for any other purpose which is proper and necessary in the conduct of the telephone utility's business.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-628. Complaints.

A. Complaints concerning the charges, practices, facilities, or service of the telephone utility shall be investigated promptly and thoroughly by the telephone utility. The telephone utility shall keep such records of customer complaints as will enable it to review and analyze its procedures and actions.

B. The telephone utility, except in cases of high toll usage, and when given at least four hours notice shall not terminate service to a complainant until an answer to the complaint is conveyed to the ORS. A written or oral response is allowable for complaints that the telephone utility wishes to dispose of immediately. The use of an oral response does not preclude supplying the ORS with a written response to written complaints.

C. The ORS shall promptly and thoroughly investigate complaints concerning the regulated the charges, practices, facilities, or services of the utility. Each utility shall respond to the complaint conveyed to the utility by the ORS in a timely and thorough manner. This time period shall not exceed ten (10) days from the day the complaint is received by the utility, except that the ORS may give the company additional time to respond upon request and for good cause shown.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-629. Tariffs, Rules and Regulations.

A copy of the telephone utility's tariffs as filed with the commission and provided to the ORS shall be available for inspection by the public.

HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### 103-630. System Which Telephone Utility Must Maintain.

Each telephone utility, unless specifically relieved in any case by the commission from such obligation, shall operate and maintain in safe, efficient and proper conditions, all of the facilities and instrumentalities used in connection with the furnishing of telephone service excluding customer provided equipment.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### 103-631. Directories-Directory Information .

Each utility is responsible for having the name, address, and telephone numbers of all of its customers listed in a telephone directory or electronic database that is published at regular intervals, except public telephone and telephone service unlisted at customer's request. A customer directory should be made available upon a customer's request.

A. The telephone utility shall list its customers with at least one provider of directory assistance services or with its own directory assistance operators to provide the requested telephone numbers based on the customer's name and address when such requests are made by communication users, except public telephones and telephone service unlisted at customer's request.

~~B. Upon issuance of the directory in which its customers' listings appear, each utility is responsible for distributing a copy of each directory to all customers served by that directory and a copy of each directory shall be furnished to the commission.~~

~~C. The name of the telephone utility, an indication of the area included in the directory and the month and year of issuance shall appear on the front cover or the spine of the directory. The utility shall take appropriate measures to have information pertaining to emergency calls such as for the police and fire departments appear conspicuously in the front pages of the directory, and such information shall be provided without charge to the agency located within the utility's certificated area. Also, the utility shall take appropriate measures to have the address and telephone number of the Public Service Commission and the Office of Regulatory Staff appear in the front portion of the directory in which its customers' listings appear.~~

~~D. The utility shall take appropriate measures to have the directory in which its customers' listings appear contain instructions concerning placing of long distance calls, calls to repair and directory assistance services, and calls for the establishment and maintenance of service.~~

EB. At least one directory assistance provider used by the utility or the utility's own directory assistance operators shall have access to records of all telephone numbers in the area for which they are responsible for furnishing directory assistance service except telephone numbers not published at customer's request.

FC. Each telephone utility shall make every effort to list its customers with at least one directory assistance provider used by the utility or the utility's own directory assistance operators as necessary for the directory assistance operators to provide the requested telephone numbers based on customer names



and service locations, and to provide updated information to the directory assistance provider as reasonably necessary to minimize “not found” numbers where the address is different from the address normally associated with an exchange directory.

G. In the event of an error in the listed numbers of any customer, the telephone utility shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit and the number is not in service. In such the event of an error or omission in the name or number listing of a customer, such customer’s correct name and telephone number shall be corrected in the files of the directory assistance provider used by the utility, or the utility’s own directory assistance operators within a reasonable amount of time. The correct number shall be furnished to the calling party either upon request or interception.

H. Whenever any customer’s telephone number is changed after a directory is published, the telephone utility shall intercept all calls to the former number for a reasonable period of time, and give the calling party the new number provided existing central office equipment will permit, and the customer so desires.

I. When additions or changes in plant or changes to any other telephone utility operations necessitates changing telephone numbers to a group of customers, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.

J. Approval must be obtained from the commission prior to a reduction in the size of print in the alphabetical section of the directory.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-633. Procedures for Termination of Service.

Service may be terminated for non-payment of a bill, provided that the telephone utility has made a reasonable attempt to effect collection and has given the customer written notice that he has five days in which to make settlement on his account or have his service disconnected. Service will be terminated only on Monday through Thursday between the hours of 8:00 A.M. and 4:00 P.M., unless provisions have been made to have someone available to accept payment and reconnect service.

HISTORY: Added by State Register Volume 18, Issue No. 3, eff March 25, 1994.

#### Subarticle 4

#### Engineering

#### 103-640. Requirements for Good Engineering Practice.

The plant of each telephone utility shall be constructed, installed, maintained, and operated in accordance with accepted good engineering practices and regulations, included by reference as part of these rules as far as possible. Continuity of service, uniformity in quality of service furnished, and the safety of persons and property shall be maintained.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-641. Acceptable Standards.

Unless otherwise specified by the commission, each telephone utility shall use the applicable provision in the publication listed below as standards of accepted good practices:

- a. Latest edition of The National Electrical Safety Code.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-642. Acceptable References.

Newton's Telecom Dictionary as published by CMP Books.

HISTORY: Amended by State Register Volume 18, Issue No. 4, eff April 22, 1994: State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-643. Adequacy of Service.

The capacity of the telephone utility's plant shall be sufficiently large to meet all reasonably expected requests for service. See R. 103-663(1). Where new construction is required, reasonable allowance will be made for construction and activation of new facilities.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-644. Inspection of Plant.

A. Each telephone utility shall adopt a program of inspection of its plant in order to determine the necessity for replacement and repair. The frequency of various inspections shall be based on the telephone utility's experience and accepted good practice. Each utility shall keep sufficient records to give evidence of compliance with its inspection programs as set forth in R. 103-640 through -654 of these rules and regulations.

B. Each telephone utility shall maintain its plant, equipment, and other facilities at all times in a reasonably adequate and serviceable condition consistent with the commission's Rules and accepted industry standards.

C. The telephone equipment, apparatus and lines furnished by the telephone utility shall remain the property of the telephone utility, and no instrument, appliance or device of any kind not furnished by the telephone utility shall be attached to or in any way used in connection with such telephone equipment, apparatus, and lines, either directly or indirectly, by induction or otherwise, except in accordance with the guidelines contained in Part 68 of the Federal Communications Commission's Rules and Regulations. In

the event any instrument, apparatus, or device of any kind other than that furnished by the telephone utility, or as excepted above, is attached to or connected with any part of its properties, the telephone utility shall have the right to remove such instrument, apparatus, or device in accordance with the applicable law.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 4, eff April 22, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-645. Hazardous Locations.

Explosive Atmospheres and Other Hazardous Locations. No telephone utility shall be required to install or maintain any of its apparatus or equipment in explosive atmospheres, or at outdoor or other locations which, in its judgment, are not suitable for the location of its service and facilities.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-646. Emergency Operation.

A. Telephone utilities shall make reasonable provisions to meet emergencies resulting from failures of lighting or power services, unusual and prolonged increases in traffic, illness of personnel, or from fire, storm, or other acts of God and inform its employees as to procedures to be followed in the event of emergency in order to prevent or minimize interruption or impairment of telephone service.

B. Each central office shall contain as a minimum two hours of battery reserve. All central offices shall make adequate provisions for emergency power. In offices without installed emergency power facilities, there shall be a mobile power unit available which can be delivered and connected within the period of the battery reserve and can maintain the office for an extended period of time.

C. In exchanges exceeding 5,000 lines, a permanent auxiliary power unit shall be installed.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### Subarticle 5

#### Inspection and Tests

#### 103-650. Telephone Utility Inspection and Test.

A. Each telephone utility shall adopt a program of periodic tests, inspections, and preventive maintenance aimed at achieving efficient operation of its system and the rendition of safe, adequate and continuous service.

B. Each telephone utility shall maintain or have access to test facilities enabling it to determine the operating and transmission capabilities of all equipment and facilities provided by the telephone utility both for routine maintenance and for trouble location. The actual transmission performance of each telephone

network shall be monitored in order to determine if the established objectives and operating requirements are met. This monitoring function shall consist of circuit order tests prior to placing trunks in service, routine periodic trunk tests, periodic noise tests of a sample of customer loops in each exchange, and special transmission surveys of the telephone network.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-651. ORS Inspection and Test.

When inspections, audits, or examinations are conducted by the ORS, its staff, or its representatives, to ensure or determine if the provision of these rules herein contained are being adhered to, each telephone utility shall assist with such test as requested provided such request is in accordance with all legal requirements and sanctions.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-652. Testing Facilities.

A. Each telephone utility shall, unless specifically excused by the commission, provide such instruments and other equipment and facilities as may be necessary to make the tests required of it by these rules or other orders of the commission or as **reasonably** requested by the ORS. The apparatus and equipment so provided shall be available at all times for inspection by any member or authorized representative of the ORS.

B. Each telephone utility shall make such tests as are prescribed under these rules with such frequency and in such manner and at such places as is herewith provided, as **reasonably** requested by the ORS, or as may be approved or ordered by the commission.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-653. Trouble Reports.

A. Each telephone utility shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of all trouble reports. Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date, and nature of the report, the action taken to clear trouble or satisfy the trouble, and the date and time of trouble clearance or other disposition. This record shall be available to the ORS or its authorized representatives upon request at any time within the period prescribed for retention of such records.

B. Provisions shall be made to clear all trouble of any emergency nature at all hours, consistent with the needs of customers and the personal safety of telephone utility personnel.

C. Provisions shall be made to normally clear all other out-of-service troubles not requiring unusual repair, such as cable failures, within 24 hours of the report received by the telephone utility excluding Sundays and holidays unless the customer agrees to another arrangement.

D. Provisions shall be made to keep all commitments to customers. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-654. Maintenance of Plant and Equipment.

A. Each telephone utility shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate and continuous service at all times.

B. Maintenance shall include keeping all plant and equipment in a good state of repair consistent with safety and the adequate service performance of the plant affected, such as:

1. Broken, damaged, or deteriorated parts which are no longer serviceable shall be repaired or replaced.
2. Adjustable apparatus and equipment shall be readjusted as necessary when found to be in an unsatisfactory operating condition.
3. Electrical faults, such as leakage or poor insulation, noise induction, crosstalk, or poor transmission characteristics shall be corrected to the extent practicable.

#### Subarticle 6

#### Standards and Quality of Service

#### 103-660. Quality of Service.

It shall be the obligation of each telephone utility, dependent upon their ability to procure and retain suitable facilities and rights for the construction and maintenance of the necessary circuits, to furnish reasonably adequate telephone service to telephone customers in the area or territory in which it operates. Such service is to be rendered according to lawfully established and approved rates and charges for the specific territory involved.

#### 103-661. Interruptions of Service.

A. Each telephone utility shall make reasonable efforts to avoid interruptions of service, but when interruptions occur, service shall be reestablished within the shortest time practicable, consistent with safety.

B. Planned interruptions shall be made at a time that will not cause unreasonable inconvenience to customers and shall be preceded by adequate notice to those who will be affected.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-662. Restrictions on Use of Service.

Each telephone utility may impose reasonable restrictions on the use of telephone service during periods of excessive demand or other difficulty which jeopardizes the quality of service to any group of customers.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### 103-663. Service Standards.

##### 103-663.1. Availability of Service.

Orders for new service, where all tariff requirements have been met, shall be completed within the interval shown below after receipt of the application, excepting those where a later date is requested by the customer or where special equipment or service is involved:

##### A. Service Orders for Installation and Re-installations:

85% within 5 working days

##### B. Commitments fulfilled: 85%

Commitments shall be made for a specific day.

##### 103-663.2. Equipment Requirements.

A. The central office and interoffice trunk equipment shall be maintained so as to meet the following standards during an average business day (8:00 AM to 5:00 PM):

Failure rate on intraoffice calls— $\leq 1.5\%$

Failure rate on interoffice calls— $\leq 3\%$

The failure rate for interoffice calls applies to EAS and multioffice trunking calls but not to toll calls.

B. The central office and interoffice trunk standards are the objectives to be used by the ORS staff when testing. The telephone utilities are not required to perform tests or maintain records of these items.

##### 103-663.3. Subscriber Loop-Transmission Objectives.

The following standards are objectives to be used by the ORS staff during testing at the subscriber's station protector. Acceptable measurements are:

DC Line Current: greater than 20 mA

Circuit Loss: less than 8.5 db

Circuit Noise: less than 20 dBrnC

Power Influence: less than 90 dBrnC

Balance greater than 60 dB

(Where Balance (dB) = Power Influence - Circuit Noise)

#### 103-663.4. Dialtone.

Central office equipment shall be maintained so as to meet the following standards:

98% of all calls shall receive dialtone within three (3) seconds.

#### 103-663.5. Answering Time.

Each telephone utility shall provide adequate personnel and equipment so as to meet the following service objectives under normal operating conditions:

a. Toll and operator assistance calls answered within 10 seconds (does not include directory assistance calls): 90%

b. Calls to repair service answered within 20 seconds: 90%

c. Directory assistance answered within 30 seconds: 80%

#### 103-663.6. Customer Trouble Reports.

A. Service by each telephone utility shall be such that the number of customer trouble reports per 100 total access lines in service per month shall not exceed the following:

EXCHANGE/REPORTING GROUP	
SIZE	OBJECTIVE
OVER 7,500 ACCESS LINES	5.0
UNDER 7,500 ACCESS LINES	7.0

Unusual situations caused by storms, unavoidable casualties or other conditions causing an excess number of reports should be explained in the trouble report.

B. A customer trouble report is any oral or written notice received by the telephone utility (other than problems detected by the telephone utility's internal diagnostics) indicating difficulty or dissatisfaction with the performance, physical condition, location or appearance of the utility's regulated telephone plant or equipment.

#### 103-663.7. Customer Out of Service Trouble Clearing Time.

Provisions shall be made to normally clear all out of service troubles within twenty-four hours of the reported time to the telephone utility, excluding weekends and holidays, unless the customer agrees to

another arrangement. The out of service trouble clearing time objectives for telephone utilities is 85% within 24 hours.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 4, eff April 22, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### Subarticle 7

##### Safety

##### 103-670. Acceptable Standards.

As criteria of accepted good safety practice the commission will use the applicable provisions of the standard listed in R.103-641.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

##### 103-671. Protective Measures.

Each telephone utility shall exercise reasonable care to reduce the hazards to which its employees, its customers and the general public may be subjected.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

##### 103-672. Safety Program.

Each telephone utility shall adopt and execute a safety program fitted to the size and type of its operation.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### Subarticle 8

##### Telecommunication Relay Service Advisory Committee

##### ~~103-680. Role of the Advisory Committee.~~

~~The Telecommunication Relay Service Advisory Committee shall monitor the establishment, administration, and promotion of the telecommunications relay service, and advise the commission on ways the service may be enhanced to better meet the communication needs of the hearing and speech impaired.~~



HISTORY: Added by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993; State Register Volume 31, Issue No. 4, eff April 27, 2007.

~~103-681. Committee Name.~~

~~The Advisory Committee shall be known as the Telecommunications Relay Service (TRS) Advisory Committee.~~

HISTORY: Added by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993.

~~103-682. Composition of the TRS Advisory Committee.~~

~~1. The TRS Advisory Committee shall be comprised of members from the agencies as designated by statute.~~

~~2. The TRS Advisory Committee shall select a person from among its members to serve as chairman.~~

~~3. Members of the TRS Advisory Committee shall serve at the pleasure of the Commission.~~

~~4. Members of the TRS Advisory Committee shall serve without compensation.~~

HISTORY: Added by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993.

~~103-683. Meetings.~~

~~1. The TRS Advisory Committee shall meet no less than once per quarter. Other meetings shall be called at the discretion of the chairman.~~

~~2. Meetings shall be publicly noticed as far in advance as is practicable.~~

~~3. The chairman shall ensure that a qualified interpreter(s) is present at all called meetings.~~

HISTORY: Added by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993.

~~103-684. Commission Approval.~~

~~1. The commission anticipates that the TRS Advisory Committee shall make all decisions which are necessary to perform its functions as specified in R. 103-680. However, the commission retains its right to review and approve the decisions of the TRS Advisory Committee.~~

~~2. The commission Staff or the ORS Staff, TRS Advisory Committee members, or any other committee members, may require that committee recommendations be approved by the commission.~~

~~3. The commission must approve any and all proposed expenditures from the operating fund.~~

HISTORY: Added by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-690. Designation of Eligible Telecommunications Carriers.

(Statutory Authority: 1976 Code Section 58-3-140)

#### A. Purpose.

1. This regulation defines the requirements for designation as an Eligible Telecommunications Carrier (“ETC”) for the purpose of receiving federal universal service support, not state universal service support, pursuant to 47 U.S.C. Section 214(e) of the Federal Telecommunications Act of 1996.

2. This regulation will ensure that the commission will only grant a particular application if doing so will further the goals and purposes of the federal high-cost universal service fund and the universal service fund provisions of Section 254 of the Telecommunications Act of 1996; specifically, that consumers in all regions of South Carolina, including those in rural, insular and high-cost areas will have access to telecommunications services comparable to those in urban areas of the state.

3. Notwithstanding the ETC applicant’s regulatory status or the commission’s jurisdiction over the applicant’s regular operations, in seeking designation as an ETC, the applicant acknowledges the commission’s authority and jurisdiction to impose such regulations on ETCs, including the applicant, as are in the public interest.

#### B. Definitions.

1. Cell Site. A geographic location where antennae and electronic communications equipment are placed to create a cell in a cellular network for the use of mobile phones. A cell site is composed of a tower or other elevated structure for mounting antennae, and one or more sets of transmitter/receivers, transceivers, digital signal processors, control electronics, and backup electrical power sources and sheltering.

2. Commission. The word commission in this regulation means the Public Service Commission of South Carolina.

3. Eligible Telecommunications Carrier (ETC). An ETC is a carrier as defined in 47 U.S.C. Section 214(e).

4. Lifeline Service. Lifeline Service is a service as defined in 47 C.F.R. Section 54.401.

~~5. Link Up Service. Link Up Service is a service as defined in 47 C.F.R. Section 54.411.~~

~~65.~~ ORS. The abbreviation ORS in this regulation means the Office of Regulatory Staff.

~~76.~~ Wire Center. A geographic location of one or more local switching systems; a location where customer loops converge. References to the evaluation of service within a wire center, for purposes of this regulation, shall mean an evaluation of the quality of the services provided in that part of the licensees’ service area served by a cell site in the event the applicant is a wireless service provider.

C. Requirements for initial designation as an Eligible Telecommunications Carrier.

~~(a)~~ 1. The commission may upon its own motion or upon request, designate a common carrier that meets the requirements in this section, and the public interest standard set forth in subsection (b) of this section, as an ETC for a designated service area. ETCs shall offer services in compliance with 47 C.F.R. Section 54.101. Upon request and consistent with the public interest, convenience and necessity, the commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an ETC for a service area designated by the commission. Before designating an additional ETC for an area served by a rural telephone company, the commission shall find that the designation is in the public interest. On or after the effective date of this rule, in order to be designated an eligible telecommunications carrier under 47 U.S.C. Section 214(e)(2) of the Federal Telecommunications Act of 1996, any common carrier in its application filed with the commission and a copy provided to the ORS must provide the following information: ~~and certifications set forth in 47 C.F.R. §§54.201 and 54.202. In addition, the carrier must~~

(1) (A) commit to provide service throughout its proposed designated service area to all customers making a reasonable request for service. Each applicant shall certify that it will (1) provide service on a timely basis to requesting customers within the applicant's service area where the applicant's network already passes the potential customer's premises; and (2) provide service within a reasonable period of time, if the potential customer is within the applicant's licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by (a) modifying or replacing the requesting customer's equipment; (b) deploying a roof-mounted antenna or other equipment; (c) adjusting the nearest cell tower; (d) adjusting network or customer facilities; (e) reselling services from another carrier's facilities to provide service; or (f) employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.

~~(B) submit a two year plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center by wire center basis, or on a cell site by cell site basis if the applicant is a wireless carrier throughout its proposed designated service area. Each applicant shall demonstrate:~~

~~1. How it plans to expand its network to ensure that unserved and underserved rural or high cost areas will receive sufficient signal quality, that coverage or capacity will improve due to the receipt of high cost support throughout the area for which the ETC seeks designation;~~

~~2. A detailed map of the coverage area before and after the improvements and in the case of a CMRS provider, a map identifying existing and proposed tower site locations;~~

~~3. The specific geographic areas where the improvements will be made;~~

~~4. The projected start date and completion date for each improvement;~~

~~5. The estimated amount of investment for each project that is funded by high cost support;~~

~~6. A statement as to how all of the facilities funded by high cost support are eligible for such support;~~

~~7. The estimated population that will be served as a result of the improvements;~~

8. If an applicant believes that service improvements in a particular wire center or on a particular cell site are not needed, it must explain its basis for this determination and demonstrate how funding will otherwise be used to further the provision of supported services in that area; and

9. A statement as to how the proposed improvements funded by universal service dollars would not otherwise occur absent the receipt of high cost support and that such support will be used in addition to any expenses the ETC would normally incur.

(C) 2. for eCarriers seeking certification in areas not eligible for High Cost Support from the USF, but seeking ETC designation solely for the purpose of participation in the Lifeline program and Link Up programs and not seeking High Cost Support, the following shall apply in lieu of paragraph (B) above: shall submit a two year plan that describes the carrier's plans for advertising and outreach programs for identifying, qualifying, and enrolling eligible participants in the Lifeline and Link Up programs. All other provisions of this subsection shall apply shall provide to the commission and ORS the information and certifications set forth in 47 C.F.R. §§54.201 and 54.202 related to Lifeline-only ETCs. Such carriers shall also submit a plan that describes the carrier's advertising and outreach programs for identifying, qualifying and enrolling participants in the Lifeline program.

(2) demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, its ability to reroute traffic around damaged facilities, and its capability of managing traffic spikes resulting from emergency situations. The commission shall determine on a case by case basis whether a carrier has demonstrated its ability to remain functional in emergency situations.

(3) demonstrate that it will satisfy applicable consumer protection and service quality standards. A commitment by wireless applicants to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service will satisfy this requirement. Other commitments will be considered on a case by case basis.

(4) demonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation.

(5) certify by affidavit signed by an officer of the company that the carrier acknowledges that the Federal Communications Commission may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area.

(6) certify by affidavit signed by an officer of the company that it does offer or will offer the services that are supported by the federal universal service support mechanisms by using its own facilities or a combination of its own facilities and resale of another carrier's services.

(7) certify by affidavit signed by an officer of the company that it does or will advertise in a media of general distribution the availability of such services, including lifeline services and the applicable charges.

(b) 3. Public Interest Standard. Prior to designating an eligible telecommunications carrier pursuant to 47 U.S.C. Section 214(e)(2), the commission must determine that such designation is in the public interest. In doing so, the commission shall consider, inter alia, the benefits of increased consumer choice, and the unique advantages and disadvantages of the applicant's service offering. In instances where an eligible telecommunications carrier applicant seeks designation below the study area level of a rural telephone company, the commission shall also conduct a creamskimming analysis that includes, but is not limited to, comparing the population density of each wire center in which the eligible telecommunications carrier applicant seeks designation against that of the wire centers in the study area in which the eligible

telecommunications carrier applicant does not seek designation. The commission shall not designate a service area to an ETC that is smaller than an entire wire center.

HISTORY: Added by State Register Volume 32, Issue No. 5, eff May 23, 2008.

#### 103-690.1. Annual Reporting Requirements for Designated Eligible Telecommunications Carriers.

##### A. Purpose.

The purpose of this regulation is to specify the annual reporting requirements for designated Eligible Telecommunications Carriers (ETCs).

##### B. Annual Reporting Requirements for ETCs Designated after January 1, 2007.

This section shall apply to all eligible telecommunications carriers who are designated after January 1, 2007.

(a) Filing Deadlines. For ETCs who are designated after January 1, 2007, in order for the common carrier designated under 47 U.S.C. Section 214(e)(2) to continue to receive support for the following calendar year, or retain its eligible telecommunications carrier designation, it must file with the commission and provide a copy to the ORS the annual reporting information in paragraph (b) no later than June 30, 2008, and thereafter annually by June 30th of each year. The information provided should cover the previous twelve (12) month period ending December 31st. The ORS shall review each ETC annual report and notify the commission on or before August 20th annually in writing as to the ORS's opinion as to whether the carrier is in compliance with federal and state regulations and rules. The commission, after holding a hearing, if it deems a hearing is necessary, shall determine based upon the information provided to it whether the carrier is in compliance with federal and state regulations and rules and shall notify the Federal Communications Commission and the Universal Service Administrative Company of each company's compliance by October 1st of the reporting year thereby ensuring that each ETC designated by the commission is authorized to receive federal support for the upcoming fiscal year.

Reports must also contain a commitment by wireless applicants to comply with the current Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service as of May 18, 2008, or a commitment by other ETCs that they meet the service quality standards outlined in Section 103-663. For the purpose of this regulation, access lines and handsets shall be used interchangeably.

(b) A common carrier designated under 47 U.S.C. Section 214(e)(2) as an eligible telecommunications carrier after January 1, 2007 shall provide to the Commission and to the ORS:

(1) a progress report on its two-year service quality improvement plan, including maps detailing its progress toward meeting its plan targets, an explanation of how much universal service support was received and how it was used to improve signal quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled. The information shall be submitted at the wire-center level of designation. Additionally, an updated forward-looking two-year plan shall be filed annually;

(2) detailed information on any outage, as defined in 47C.F.R. Section 4.5, of at least 30 minutes in duration for each service area in which an eligible telecommunications carrier is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect (a) at least ten percent of the end users

served in a designated service area; or (b) a 911 special facility, as defined in 47 C.F.R. Section 4.5(e). Specifically, the eligible telecommunications carrier's annual report must include information detailing: (a) the date and time of onset of the outage; (b) a brief description of the outage and its resolution; (c) the particular services affected; (d) the geographic areas affected by the outage; (e) steps taken to prevent a similar situation in the future; and (f) the number of customers affected;

(3) the number of requests for service from potential customers within the eligible telecommunications carrier's service areas that were unfulfilled during the past year. The carrier shall also detail how it attempted to provide service to those potential customers;

(4) the number of complaints or trouble reports per 1000 handsets or access lines;

(5) certification that it is complying with applicable service quality standards and consumer protection rules, as designated by the commission;

(6) a detailed report and certification that the carrier is able to function in emergency situations;

(7) for non-incumbent local exchange carriers certification that the carrier is offering a local usage plan comparable to that offered by the incumbent LEC in the relevant service areas;

~~(8) certification that the carrier acknowledges that the Federal Communications Commission may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area;~~

~~(9)~~ (8) the number of Lifeline customers ~~and the number of customers~~ that received Link Up assistance as of December 31st of the prior year;

~~(10) copies of responses to the Lifeline Verification Survey or Certification filed with the Universal Service Administrative Company on August 31st of each year; and~~

~~(11)~~ (9) For ETCs not eligible for High Cost Fund support, but participating in the Lifeline ~~program and Link Up programs~~, subsections (1) and (2) shall be waived. All other requirements shall remain in force, except that the requirements of (6) may be met by reference to an underlying carrier's continuing certification as for leased facilities.

#### C. Annual Reporting Requirements for ETCs Designated Prior to January 1, 2007.

To the extent required by 47 C.F.R. 54.313 and 47 C.F.R. 54.314, ETCs who were designated prior to January 1, 2007, must certify to the commission that all federal high-cost support provided to such carriers within South Carolina in the succeeding calendar year will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. This certification must be filed with the commission on or before August 1st annually.

#### D. Newly Designated Eligible Telecommunications Carriers.

(a) Once a carrier is designated as eligible to receive support, the commission shall file the certification with the Federal Communications Commission and the Universal Service Administrative Company within 60 days of that effective date of its designation as an eligible telecommunications carrier.

(b) Thereafter, the ETC must submit the data required in paragraph B by August 1st of each year to the commission and the commission shall file the certification with the Federal Communications Commission and the Universal Service Administrative Company by October 1st.

E. ETC Requirements for Lifeline ~~and Link Up~~ Services.

(a) ETCs shall offer Lifeline service in the designated service area to all qualifying low-income consumers in accordance with the federal lifeline service guidelines as set forth in 47 C.F.R. Part 54, Subpart E. follows:

~~— (1) ETCs shall publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.~~

~~— (2) ETCs shall commit to offer toll limitation to all qualifying low income consumers at the time such consumers subscribe to Lifeline service. If the consumer elects to receive toll limitation service, that service becomes part of that consumer's Lifeline service.~~

~~— (3) ETCs may not collect a service deposit in order to initiate Lifeline service if the qualifying low-income consumer voluntarily elects toll limitation service from the carrier where available.~~

~~— (4) ETCs shall verify annually that its Lifeline customers meet the program qualification.~~

~~— (5) ETCs shall notify Lifeline subscribers a minimum of 60 days prior to termination of their service if the carrier has a reasonable basis to believe that the subscriber no longer meets the Lifeline qualifying criteria.~~

~~— (6) ETCs shall not charge Lifeline customers a monthly number portability charge.~~

~~(b) ETCs shall offer Linkup service in the designated service area to all qualifying low income consumers, in accordance with the following guideline:~~

~~— (1) ETCs shall publicize availability of Link Up service in a manner reasonably designed to reach those likely to qualify for the service, and shall provide a reduction of the customary charge for connecting telecommunications service for a single line at the consumer's principal place of residence. The reduction shall be in conformance with federal regulations governing the cost of Link Up service.~~

HISTORY: Added by State Register Volume 33, Issue No. 6, eff June 26, 2009.